

### **Major Breach of Safety and Security**

[CT, FP-NR&D, FP-R&D, CIS, LH/T&M, FPC, CREI, A-E, REL – 11/07] [NFS 1852.223-75 – 2/02]

1. Safety is the freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment. Safety is essential to JPL and is a material part of this subcontract. JPL's safety priority is to protect: (1) the public; (2) astronauts and pilots; (3) the JPL workforce (including subcontractor employees working on JPL subcontracts); and (4) high-value equipment and property. A major breach of safety may constitute a breach of subcontract that entitles the Institute to exercise any of its rights and remedies applicable to material parts of this subcontract, including termination for default, if applicable. A major breach of safety must be related directly to the work on the subcontract. A major breach of safety is an act or omission of the Subcontractor that consists of an accident, incident, or exposure resulting in a fatality or mission failure; or in damage to equipment or property equal to or greater than \$1 million; or in any "willful" or "repeat" violation cited by the Occupational Safety and Health Administration (OSHA) or by a state agency operating under an OSHA approved plan.
2. Security is the condition of safeguarding against espionage, sabotage, crime (including computer crime), or attack. A major breach of security may constitute a breach of subcontract that entitles the Institute to exercise any of its rights and remedies applicable to material parts of this subcontract, including termination for default, if available. A major breach of security may occur on or off JPL controlled facilities, but must be related directly to the work on the subcontract. A major breach of security is an act or omission by the Subcontractor that results in compromise of classified information, illegal technology transfer, workplace violence resulting in criminal conviction, sabotage, compromise or denial of information technology services, equipment or property damage from vandalism greater than \$250,000, or theft greater than \$250,000.
3. In the event of a major breach of safety or security, the Subcontractor shall report the breach to the Subcontracts Manager. If directed by the Subcontracts Manager, the Subcontractor shall conduct its own investigation and report the results to the Institute. The Subcontractor shall cooperate with the Institute investigation, if conducted.
4. Reference: NFS 1852.223-75